

**MINUTES**  
**ENVIRONMENTAL REVIEW COMMISSION**  
**January 26, 2012**

The Environmental Review Commission (ERC or Commission) met on Thursday, January 26, 2012 at 9:00 a.m. in Room 643 of the Legislative Office Building. Representative Samuelson presided.

The following members were present: Representative Mitch Gillespie Co-Chair, Senators Stan Bingham, Don East, Fletcher Hartsell, Brent Jackson, Bill Rabon, Representatives William Brisson, Joe Hackney, Carolyn Justice, Pat McElraft, and Chuck McGrady. Also present were: Mr. Jeff Hudson, Ms. Jennifer McGinnis, Commission Counsels; Ms. Jennifer Mundt, Commission Analyst; Ms. Susan Iddings, Bill Drafting; Ms. Mariah Matheson, Research Assistant; Ms. Susan Phillips, Commission Clerk; and Sergeants-at-Arms John Brandon, Reggie Sills, Carlton Adams, Jim Blackburn, John Fitchett and Billy Fritcher. (Attachment 1).

On January 4, 2012, notice was sent to members and interested parties via e-mail. A copy of this notice is incorporated into these minutes as Attachment #2. Copies of the agenda for the meeting and visitor registration sheets are included as Attachment #3 and Attachment #4.

Representative Samuelson called the meeting to order and welcomed members, staff, and visitors in attendance. There were no introductory remarks made by the Commission Co-Chairs. Representative Samuelson recognized Mr. Jeff Hudson, Commission Counsel, for a report to the Commission. Mr. Hudson gave a brief overview of today's agenda. Representative Samuelson called for the approval of the minutes for the November 9, 2011 meeting. There being no changes, Representative Gillespie moved for approval. Representative Samuelson then recognized Mr. Dexter Matthews, Director, Division of Waste Management (DWM) of the Department of Environment and Natural Resources (DENR) to provide an overview of the Division of Waste Management and its budget. Mr. Matthews' presentation is included as Attachment 5.

Senator Bingham asked about U.S. Department of Defense (DOD) Superfund cleanup sites. Mr. Matthews stated that there were eight to nine sites. Mr. Matthews explained that many military bases have had releases of hazardous substances over the years, including petroleum releases and solvents. The military bases have been there a long time and have their own disposal sites. DOD is responsible for cleaning up these sites. Additionally, there are inactive sites that might have had releases in need of cleanup. In those cases, DOD works with the State on cleanup.

Senator Bingham asked how many abandoned municipal landfills there are in the State. Mr. Matthews replied that there are 676 that are in need of cleanup.

Senator East asked for the status of the Superfund. Is there enough money to fix everything? Mr. Matthews replied that the Leaking Underground Storage Tank Trust Fund (LUST) is separate from the Superfund. There is not enough money coming into the LUST trust

fund to address all of the needs in a timely manner. Sites are prioritized based on risk. The high risk sites are addressed quickly, as are most of the intermediate risk sites. DWM continues to receive reports of releases, which are then categorized and ranked according to risk. On the non-commercial side, the budget was cut in half last year and reallocated to the Highway Trust Fund. There is only enough money to address the immediate steps taken when a release occurs and then the site waits for cleanup. The Superfund is at the federal level. The Inactive Hazardous Sites Program has a similar fund with little money in it. North Carolina has several hundred orphaned sites and nowhere near enough money to deal with them.

Senator East asked if there was any way to capture the methane gas emitted at some of the closed landfills. Mr. Matthews replied that DWM reviews that when they assess a site and there are some sites in which it may be a possibility.

Representative Samuelson recognized Mr. Michael Scott, Chief, Solid Waste Section of DWM, for a presentation on the annual solid waste management report. Mr. Scott made a PowerPoint presentation, which is included as Attachment 6. Mr. Scott explained the types of waste handled by the Solid Waste Section, including municipal solid waste; industrial waste; construction and demolition waste; land-clearing waste; scrap tires; medical waste; compost; septage; and electronics. Mr. Scott also discussed the North Carolina Solid Waste Disposal 20-Year Forecast.

Senator East asked Mr. Scott to explain how the tire disposal program works. Mr. Scott explained that there is a 2% tax on new tire purchases to pay for disposal of old tires. Larger tires have a 1% tax assessed. The tax also pays for cleanup of old sites where tires have been dumped.

Senator East said that some counties complain that they don't get their fair share of the tire tax. Mr. Scott said he has heard the same thing and they are looking into that and will report back what they find.

Representative Justice asked if there have been any instances of leaking from lined landfills? Mr. Scott stated that leaking has occurred from lined landfills in several instances. The liners and the leak detection system have been improved upon over the years. Representative Justice said more landfills are needed and it is good to know that the liners are working.

Representative Justice noted that one of Mr. Scott's charts showed a reduction in waste coming to the landfills. He attributed the reduction to the down economy and increased recycling. Representative Justice asked how what percentage of solid waste reduction is specifically attributed to recycling? Mr. Scott was not sure, but would investigate and report back to the Commission. Mr. Scott noted that much of the decrease was due to a reduction of construction waste.

Representative McElraft asked if the 20 year capacity/need predictions took into account waste export contracts, as some counties export their waste. Mr. Scott said that this was considered in their calculations. Representative McElraft stated that the State should not necessarily depend on other states to continue to take our trash in the future. North Carolina should make sure we are able to manage all of our own waste if needed.

Representative Samuelson asked why would the change in the economy affect the amount of septage pumped? Mr. Scott said it was probably due to preventative maintenance being delayed or not done at all.

Representative Samuelson recognized Mr. Scott Mouw, Community and Business Assistance Section Chief Division of Environmental Assistance and Outreach, for a presentation on the status of recycling and recycling markets in North Carolina. Mr. Mouw's remarks are included as Attachments 7 and 8. Mr. Mouw discussed recycling trends in North Carolina; disposal bans; recovery of recyclable products; local government collection; and job and business growth.

Senator East asked if it would be feasible to use pit burner technology at landfills to dispose of demolition waste? Mr. Mouw replied that this had been done in the past, but was not being used currently.

Representative Samuelson recognized Ms. Charlotte Jesneck, Inactive Hazardous Sites Branch, Superfund Section Head, for the annual report on the Inactive Hazardous Sites Program. Ms. Jesneck's remarks are included as Attachment 9. Ms. Jesneck discussed the federal Superfund program; Inactive Hazardous Sites Cleanup Fund; number of inactive hazardous waste sites; and funding cuts. Ms. Jesneck noted that of the 3,044 inactive hazardous sites cataloged, 452 have been closed and require no further action. Representative Samuelson thanked Ms. Jesneck and asked her for a copy of her prepared notes for the meeting.

Representative Samuelson recognized Mr. Bruce Nicholson, Brownfields Program Manager, for the annual report on the effectiveness of the Brownfields Property Reuse Act. Mr. Nicholson made a PowerPoint presentation, which is included as Attachment 10. The North Carolina Brownfields Program 2011 Annual Report to the Commission members (Attachment 11). Mr. Nicholson explained the Brownfields Property Reuse Act of 1997 and the roles of the federal and State programs. Mr. Nicholson noted that 296 acres were redeveloped during 2011.

Representative Justice complimented Mr. Nicholson on his presentation and asked for an example of the worst of the worst sites that have yet to be cleaned up. Mr. Nicholson cited North Carolina State University Lot 86, which is a chemical disposal site, near Carter Findley Stadium in Raleigh and the Martin Marietta site north of Charlotte.

Senator Hartsell asked if there was a Brownfields agreement for an abandoned aluminum plant in Badin North Carolina? Mr. Nicholson replied that no one has applied for one, there have been inquiries, but no application as of yet.

Representative McElraft asked if the property tax incentive was a local or State tax incentive? Mr. Nicholson replied that it was strictly a local incentive.

Representative Samuelson recognized Mr. Peter Doorn, Supervisor of the Special Remediation Branch Superfund section, to present the annual report on the Dry-Cleaning Solvent Cleanup Act of 1997 to the Commission. Mr. Doorn gave a PowerPoint presentation, which is included as Attachment 12. A full copy of the Dry-Cleaning Solvent Cleanup Act Program Report is included as Attachment 13.

Mr. Doorn explained the history and purpose of the fund and why a cleanup program was needed. Mr. Doorn noted that there are 705 active dry-cleaners, 2000 active and abandoned dry-cleaners, and 1,500 contaminated dry-cleaning sites in North Carolina. Seventy-Five percent of the dry-cleaners have contamination. Mr. Doorn explained how the fund is funded and the sales tax directed to the fund.

Senator East asked Mr. Doorn to explain the revenue stream. Mr. Doorn explained that by year 2000 it was evident that there was not enough revenue generated for cleanup with just the tax on cleaning solvent. It was then decided to use 60% of the sales and use tax on dry cleaning to help fund the cleanup. This took effect in 2003.

There being no further business, the meeting was adjourned at 11:11 AM.

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Co-Chair Senator David Rouzer

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Co-Chair Representative Mitch Gillespie

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Co-Chair Representative Ruth Samuelson

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Susan D. Phillips, Commission Clerk